

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.4501 of 2007

Dated:06.03.2007

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Between:

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Kedas Balraj and others.

...Petitioners

and

The Joint Collector-li and others.

...Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.4501 of 2007

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ORDER:

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The petitioners are sons of Narasimha and they claim to be grandsons of Kedas Rajaiah, a resident of Khalsa Village of Ibrahimpatnam Mandal in Ranga Reddy District. Aggrieved by the orders of the first respondent dated 20.09.2005 in Case No.F1/3243/1999 the petitioners are before this Court seeking its invalidation by a mandamus. It is their case that respondents 3 and 4 along with one Maddu Narayan Reddy approached the second respondent under Sections 7 and 8 of the Andhra Pradesh (Telangana Area) Abolition of Inams Act, 1955 (for short 'the Act'), and obtained Occupancy Rights Certificate (ORC) by misrepresentation. They allege that when the subsequent purchaser from the ORC holders tried to till the land, they came to know about ORC and preferred an appeal before the first respondent who erroneously dismissed the same as barred by limitation. It is also their case that as per the report submitted by the Mandal Revenue Officer on 18.01.1999, Kedas Rajaiah, grandfather of the petitioners, was a protected tenant having half share in the land, and therefore, the issuance of ORC exclusively to respondents 3 and 4 is illegal.

Learned Counsel for the petitioners placed strong reliance on the report of the Mandal Revenue Officer dated 18.01.1999. Though in the first part of the letter the Mandal Revenue Officer having verified the PT

Register of the Village, which was in a torn condition, mentions that in respect of Survey No.409 admeasuring Acs.9.22 guntas Mohd.Ahmed Ali (father of respondents 3 and 4), Nallagodugu Venkaiah, Godugu Ramulu and Kedas Rajaiah were protected tenants, in the subsequent concluding portion of the letter he reports as under.

As per verification of records, 38-E patta certificate was issued to one Mohd.Ahmed Ali over Sy.No.409 to the extent of 9.22 Acs. vide R.D.O.East Ref.No.8/453/LRE/75 dt.29.9.75 and his name was implemented as 38-E Pattedar during the year 1976-77 pahani. During the year 1983 the sons of Late Mohd.Ali, (1) Khamruddin and (2) Shamsuddin were obtained Occupancy Rights Certificate from the R.D.O. East Divn.vide ref.No.H/9099/82 dt.28-2-83 as the land was Dastugarda Inam land and they were sold to Smt.K.Andalamma, W/o.Narasimha Reddy, and Smt.K.Ananthalexamma, W/o.Janardhan Reddy. As per local enquiry it reveals that out of the total extent 9.22 Acs., 0.36 guntas of land is under the possession of Agricultural Market Committee and remaining extent of land has been made into plots long back and sold to different persons. Nearly (10) houses are also constructed in the plots and the balance land is vacant.

The above would show that late Mohd.Ahmed Ali obtained Ownership Certificate under Section 38-E of the Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950, and after coming into force of the Act his two sons (respondents 3 and 4) filed an application for ORC, which was granted to them. It is also revealed that they sold the land to Smt.K.Andalamma and Smt.K.Ananthalexamma, who divided the land into plots and sold away the house sites, except to the extent of Ac.0.36 guntas, which was in possession of the Agricultural Market Committee. This Court fails to understand as to how this is of any help to the petitioners. Be that as it is, admittedly, the ORC was granted on 26.02.1982. The petitioners filed an appeal with a delay of seventeen years. Applying the well-known principle "delay would extinguish the rights", the Joint Collector dismissed the appeal. On this, the learned Counsel for the petitioners submits that the appeal is preferred after coming to know the orders of the Revenue Divisional Officer, and the appeal cannot be dismissed as barred by limitation. This Court cannot agree. A plain reading of Section 24 of the Act would show that a person aggrieved by the order of the Revenue Divisional Officer has to prefer an appeal within thirty days or within such time, which is allowed by the appellate

authority. When the appellate authority thought it fit not to entertain the appeal preferred after a lapse of seventeen years, the jurisdiction of Article 226 of the Constitution of India cannot be entertained.

The Writ Petition is misconceived and is accordingly dismissed.
No costs.

(V.V.S.RAO, J)

06.03.2007

Note: Issue C.C in one week.

B/o.

vs